

Application No. 10/656,630
Response dated MARCH 14, 2006
Reply to Office Action dated December 14, 2005

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Office Action mailed on December 14, 2005. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, the specification is amended to correct typographical errors and claims 1, 9, 17, and 25 are amended. No new matter is added. Claims 1-33 remain pending.

Election/Restriction

The Examiner has asserted that restriction to one invention is required under 35 U.S.C. §121. A provisional election of invention I, corresponding to claims 1-33, was made on November 29, 2005. Applicants hereby affirm this election.

Remarks Regarding Rejections Under 35 U.S.C. §102(b) and/or 35 U.S.C. §103(a)

Claims 1, 9, 17 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Richardson et al. in U.S. Patent Publication No. 2001/0009980. Applicants respectfully traverse this rejection to the extent that it is maintained.

As can be appreciated, each of these claims recites a plurality of discrete affixation points, wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil. In contrast, Richardson et al. does not appear to teach or suggest such discrete affixation points. As such, Richardson et al. does not teach or suggest every element of the pending claims. Based on this distinction, Applicants respectfully submit that amended claims 1, 9, 17 and 25 are patentable over Richardson et al.

Claims 2-8, 10-16, 18-24 and 26-33 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Richardson et al. As described above, independent claims 1, 9, 17, and 25 are all believed to be patentable over Richardson et al. Because claims 2-8 depend from claim 1, claims 10-16 depend from claim 9, claims 18-24 depend from claim 17, and claims 26-33 depend from claim 25, these claims are also allowable based on the above described distinctions and because they add significant elements to distinguish them further from the art.

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Additionally, in the Office Action, apparently with regard to at least some of the rejected dependent claims, the Examiner stated:

It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the guidewire as taught by Richardson with the geometry/alignment/size of discrete affixation points, because Applicant has not disclosed that the geometry/alignment/size of discrete affixation points provides an advantage, is used for a particular purpose, or solve a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with polymer sleeve as taught by Richardson, because it provides multiple polymer jakers for the purpose of navigating tortuous vasculature and since it appears to be an arbitrary design consideration which fails to patentably distinguish over Richardson. (See Office Action dated Dec. 14, 2005, page 4, paragraph 9).

Applicants respectfully traverse these statements. The applicant's disclosure does include a discussion about the geometry/alignment/size of the discrete affixation points being configured to provide certain advantages. See, for example, the Specification, page 8, line 20 through page 9, line 2; and page 15, line 15 through page 16, line 2. Additionally, those of skill in the art, and others, when considering the invention set forth in each of these dependent claims, will recognize other benefits as well. As such, these are not merely arbitrary design consideration, but design considerations that can provide for certain advantages.

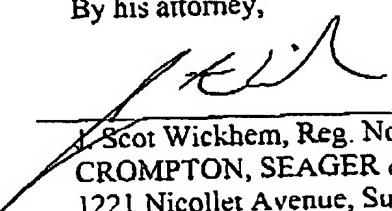
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

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